

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

MICHEL COHEN, SOTHEBY'S FINANCIAL
SERVICES, INC., and JOHN DOES 1-10,

Defendants in Interpleader.

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No. 19 Civ. 9291 (MKV)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/4/2020
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DEFAULT JUDGMENT AND AWARD OF INTERPLEADER PROPERTY

This action was commenced on October 8, 2019 by the filing of Plaintiff's interpleader complaint. *See* ECF #1. Interpleader-Defendant Sotheby's Financial Services, Inc. ("Sotheby's") subsequently appeared and asserted a crossclaim against Interpleader-Defendant Michel Cohen. *See* ECF #4. To date, Cohen has not appeared in this action. Sotheby's filed a motion for a default judgment against Cohen (the "Motion"), seeking possession of the property at issue in this case. *See* ECF #21-29. The Court issued an order to show cause to Cohen why the Motion should not be granted. *See* ECF #30. Both the Complaint and the Motion were served by publication on Cohen, pursuant to orders of the Court. *See* ECF #11, 30, 32. The Court held a hearing on Sotheby's Motion on November 4, 2020 at which counsel for Sotheby's and Plaintiff were present. Cohen did not appear.

UPON the Motion for Default Judgment and Award of Interpleader Property, made by Sotheby's, on August 13, 2020; the Complaint of the United States of America (the "United States"), dated October 8, 2019; the Answer and Cross- Claims of Sotheby's Financial Services, Inc. ("Sotheby's"), dated October 29, 2019; the Declaration of Brian Waldbaum, dated August 13, 2020; the Declaration of Aimee Scillieri, dated August 13, 2020; the Declaration of Dean R.

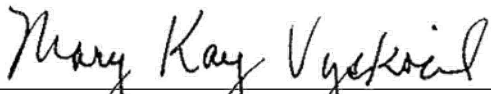
Nicyper, Esq., dated August 13, 2020, and exhibits thereto; and the accompanying Memorandum of Law, and due cause having been presented, it is hereby

ORDERED AND ADJUDGED that Sotheby's Motion for Default Judgment and Award of Interpleader Property is **GRANTED**; and it is further

ORDERED AND ADJUDGED that Sotheby's is granted a default judgment against Defendant Michel Cohen with respect to the United States' Complaint and Sotheby's Cross-Claims; and it is further

ORDERED AND ADJUDGED that Sotheby's is granted possession to, and all right, title, and interest in, the painting by the artist Jean Dubuffet ("Dubuffet") titled "Site avec 5 personnages," acrylic on paper mounted on canvas, 26 3/8 inches by 19 5/8 inches, 67cm by 50cm, 1981; and it is further

ORDERED AND ADJUDGED that the Judgment rendered by the Court on this day in favor of Sotheby's be entered as a final judgment against Defendants, and the Clerk of the Court is directed to enter such Judgment forthwith and to close the case.



HON. MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

Judgment entered on this 4th day of November, 2020